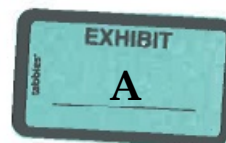


In The Matter Of:
Selena Howard, et al. v
Forrest County, et al.

Chey Sumrall
April 27, 2020



Min-U-Script® with Word Index

<p style="text-align: right;">Page 5</p> <p>1 enforcement academy.</p> <p>2 Q When did you graduate from the law</p> <p>3 enforcement academy?</p> <p>4 A I graduated from the part-time, I believe,</p> <p>5 in 2014, and the full-time academy 2016. I think</p> <p>6 around through 2016.</p> <p>7 Q Okay. And that's in Mississippi?</p> <p>8 A Correct. Yes, sir. Served in the Southern</p> <p>9 Regional Law Enforcement Academy.</p> <p>10 Q All right. And have you worked in law</p> <p>11 enforcement in any other jobs besides Forrest County?</p> <p>12 A Yes, sir, I have an extensive job</p> <p>13 background.</p> <p>14 Q All right. Well, give me your law</p> <p>15 enforcement background.</p> <p>16 A I started in the Forrest County Detention</p> <p>17 Center in 2012. And then I -- in 2014, I started as a</p> <p>18 patrol deputy in Forrest County.</p> <p>19 Q Okay. If you would, kind of walk me through</p> <p>20 your career with Forrest County.</p> <p>21 A I started in the jail, worked there up until</p> <p>22 2014, maybe '15. Went as a reserve deputy in the</p> <p>23 beginning. Went through the part-time academy,</p> <p>24 graduated in. I went to the warrant's division at the</p> <p>25 sheriff's office, and then I went to the full-time</p>	<p style="text-align: right;">Page 7</p> <p>1 A Yes, sir.</p> <p>2 Q All right. If I ask you a question and you</p> <p>3 don't understand it, or if it is confusing, please be</p> <p>4 sure to let me know. Otherwise, I'm going to assume</p> <p>5 you understood my question. Is that fair?</p> <p>6 A That's fair. Yes, sir.</p> <p>7 Q All right. And are you under the influence</p> <p>8 of any drugs or alcohol this afternoon?</p> <p>9 A No, I'm not.</p> <p>10 Q Okay. And likewise, have you taken any</p> <p>11 medicines that would impair your ability to think</p> <p>12 clearly?</p> <p>13 A No, sir.</p> <p>14 Q Okay. And have you reviewed any documents</p> <p>15 in preparing for today's deposition?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. What did you review?</p> <p>18 A The Forrest County standard operating</p> <p>19 procedures, the affidavits that were attached to the</p> <p>20 e-mail, a 911 log, a taser log, and I can't remember</p> <p>21 the other ones. There were a few.</p> <p>22 Q Okay. I'm just going to ask -- I don't want</p> <p>23 to get into any details of this, but as I understand</p> <p>24 it, your separation with Forrest County stemmed from a</p> <p>25 wreck on 49; is that right?</p>
<p style="text-align: right;">Page 6</p> <p>1 academy, and then I went to a full-time patrol deputy.</p> <p>2 Q All right. How long were you a full-time</p> <p>3 officer with Forrest County?</p> <p>4 A Full-time certified or full-time working?</p> <p>5 Q Certified.</p> <p>6 A From 2016 to 2019.</p> <p>7 Q Okay. And what's the highest rank you had</p> <p>8 while you were with Forrest County?</p> <p>9 A I never held any rank. I was a patrol</p> <p>10 deputy throughout.</p> <p>11 Q Okay. So you patrolled the entire time?</p> <p>12 A Correct. Yes, sir. Well, my short time in</p> <p>13 warrants. I started in warrants as I a deputy.</p> <p>14 Q Okay. And where do you work currently?</p> <p>15 A Oak Grove Land Company.</p> <p>16 Q Is that in Oak Grove?</p> <p>17 A It's everywhere. We do property</p> <p>18 maintenance.</p> <p>19 Q Okay. Property maintenance.</p> <p>20 A Yes, sir.</p> <p>21 Q All right. Have you ever given a deposition</p> <p>22 before today?</p> <p>23 A No, sir.</p> <p>24 Q All right. But you have testified under</p> <p>25 oath before, correct?</p>	<p style="text-align: right;">Page 8</p> <p>1 A Correct.</p> <p>2 Q Okay. All right. Like I said, I'm not</p> <p>3 going to get into the details. I just didn't know if</p> <p>4 there were anything else involved in your separation.</p> <p>5 A Thank you.</p> <p>6 Q Is there anything else besides the wreck</p> <p>7 with your separation?</p> <p>8 A No, sir.</p> <p>9 Q Okay. All right. Now, you're aware that</p> <p>10 this entire matter stems from an incident</p> <p>11 September 27, 2017, correct?</p> <p>12 A Yes, sir.</p> <p>13 Q All right. Do you recall when you were</p> <p>14 dispatched to the Elks Road house where Ms. Howard and</p> <p>15 Mr. Leggett were living?</p> <p>16 A We were never dispatched. It was</p> <p>17 information from a county worker. And I believe it</p> <p>18 was -- I'm certain that it was earlier that morning</p> <p>19 that she had advised us about the dogs.</p> <p>20 Q Okay. Who was that? Who was the county</p> <p>21 worker?</p> <p>22 A Her name was Haley Ryals.</p> <p>23 Q Okay. And who is she?</p> <p>24 A She works -- she's a volunteer firefighter,</p> <p>25 but she does some type of maintenance for the county.</p>

<p style="text-align: right;">Page 9</p> <p>1 I'm not exactly sure of her job title.</p> <p>2 Q Okay. And do you recall about what time it</p> <p>3 was that -- let me ask you this, did she call you</p> <p>4 directly, or how did you come to get the information?</p> <p>5 A I believe she did call me directly. I can't</p> <p>6 remember how we received the information. We met with</p> <p>7 her at the -- there is a little gas station down the</p> <p>8 road from the Leggetts' residence, and she had met us</p> <p>9 there and told us the dog's condition, what she knew,</p> <p>10 and we had met her at that gas station.</p> <p>11 Q Okay. Now, we'll get into some of the</p> <p>12 details, but in law enforcement, I mean, what is</p> <p>13 your -- what is law enforcement's -- as an officer,</p> <p>14 what is your priority? What is the goal of law</p> <p>15 enforcement?</p> <p>16 A To preserve life, property, to maintain</p> <p>17 order, to enforce state and local laws.</p> <p>18 Q Okay. Now, what exactly -- on the date in</p> <p>19 question, September 27th, 2017, what information</p> <p>20 did Mr. -- is it R-I-A-L-S for Ms. Ryals?</p> <p>21 A I think it is R-Y-A-L-S.</p> <p>22 Q Okay. What information did Ms. Ryals</p> <p>23 translate -- give to you?</p> <p>24 A She had advised us that there was a dog tied</p> <p>25 to a tree. From what I understand, she got this</p>	<p style="text-align: right;">Page 11</p> <p>1 A Yes, sir. I've read the laws.</p> <p>2 Q Okay. But have you ever been trained on</p> <p>3 what constitutes a violation of some of the animal</p> <p>4 welfare laws?</p> <p>5 A Yes, sir. In the full-time academy, there</p> <p>6 is a animal -- she's actually an animal control</p> <p>7 person, but she comes and teaches a class on animal</p> <p>8 welfare and animal neglect and animal abuse.</p> <p>9 Q Okay. And how long was that class?</p> <p>10 A Oh, I can't remember, sir.</p> <p>11 Q Okay. Was it a day-long course? Was it</p> <p>12 less than a day?</p> <p>13 A It was less than a day.</p> <p>14 Q Okay.</p> <p>15 A It's a very interesting course, one of my</p> <p>16 favorites.</p> <p>17 Q Okay. And when you went to the house, you</p> <p>18 did not have a warrant, correct?</p> <p>19 A Correct.</p> <p>20 Q All right. And do you recall how much time</p> <p>21 passed between when Ms. Ryals gave you that</p> <p>22 information until the time you went to the house?</p> <p>23 A It was not much time at all. It was down</p> <p>24 the road, less than a mile, so we went straight from</p> <p>25 the store to their house.</p>
<p style="text-align: right;">Page 10</p> <p>1 information from another county worker that mows -- I</p> <p>2 guess there is a cemetery behind the Leggetts'</p> <p>3 residence, and that county worker had been seeing this</p> <p>4 dog tied to a tree with no food or water. So that's</p> <p>5 what she told us.</p> <p>6 Q Okay. But when you -- when you went to</p> <p>7 Ms. Howard's house, at that time you knew that the</p> <p>8 information you had received was secondhand at best?</p> <p>9 A Correct.</p> <p>10 Q Okay. All right. And the property you were</p> <p>11 going to was private property, correct?</p> <p>12 A I'm not sure.</p> <p>13 Q Okay. Well, were the -- the house that you</p> <p>14 went to where Ms. Howard lived, that wasn't a public</p> <p>15 park or anything like that, was it?</p> <p>16 A No, sir.</p> <p>17 Q Okay. It was a private resident, and they</p> <p>18 lived there?</p> <p>19 A Yes, sir.</p> <p>20 Q All right. Now, before you got to the house</p> <p>21 that day, had -- have you had any formal training on</p> <p>22 doing welfare checks for animals?</p> <p>23 A Not any formal training, no, sir.</p> <p>24 Q Had you ever been trained on what the laws</p> <p>25 are in regards to animal welfare?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q And there was nothing stopping you from</p> <p>2 getting a warrant that day, correct?</p> <p>3 A No, sir.</p> <p>4 Q Okay. You could have gone to obtain a</p> <p>5 warrant before going to the house, right?</p> <p>6 A I guess so. But, like, it was secondhand</p> <p>7 information, so...</p> <p>8 Q Okay. When you say it was secondhand</p> <p>9 information, are you saying the judge wouldn't have</p> <p>10 given you a warrant on that?</p> <p>11 A I can't say what a judge would have done.</p> <p>12 Q Okay. But you didn't have firsthand</p> <p>13 knowledge at that time to go get a warrant, right?</p> <p>14 A No, sir.</p> <p>15 Q Okay. All right. Now, when you got to the</p> <p>16 property, Mr. Sumrall, what happened?</p> <p>17 A When we pulled down the driveway, we saw the</p> <p>18 dog tied to the tree. We parked our patrol cars,</p> <p>19 exited the patrol car, went over to the dog that was</p> <p>20 tied to the tree and began an investigation.</p> <p>21 Q Okay. You say you began an investigation.</p> <p>22 How long were you on the property before you made</p> <p>23 contact with people who lived there?</p> <p>24 A I'm not sure.</p> <p>25 Q Okay. Before you -- how long did you see</p>

<p style="text-align: right;">Page 13</p> <p>1 the dogs -- let me see if I can ask you a better 2 question. 3 A Yes, sir. 4 Q Who was the first person you saw on the 5 property? 6 A I honestly can't recall who the first person 7 was that we made contact with. 8 Q Okay. Now, when you drove up to the house, 9 how long is that driveway to get to the house? 10 A It's several yards long. It is a fairly 11 long driveway. 12 Q Okay. When you say several yards, you mean 13 several hundred yards? 14 A Maybe a hundred yards, 150. 15 Q Okay. But longer than several yards, right? 16 A Correct. Yes, sir. 17 Q Okay. And can you see the dogs from the 18 road without pulling into the driveway? 19 A No, sir. 20 Q Okay. And where were you -- when you were 21 pulling up to the house, do you recall when you could 22 first see the dogs? 23 A Probably 50 yards down the driveway you 24 could see the dog tied to the tree. 25 Q Okay. And how long were you on the</p>	<p style="text-align: right;">Page 15</p> <p>1 property, you had no evidence of any felony being 2 committed, right? 3 A Correct. 4 Q And what you ultimately charged my clients 5 with was a misdemeanor, right? 6 A Correct. 7 Q In regards to the dogs? 8 A Correct. 9 Q All right. And you had -- no one had 10 relayed to you, had they, that they thought the dogs 11 had been beaten? 12 A No, sir. 13 Q No one had thought the dogs had been burned 14 or tortured? 15 A No, sir. 16 Q Okay. Is the only thing that you had prior 17 to coming on the property that the dog was tied to a 18 tree? 19 A With no food or water, or shelter, for that 20 matter. 21 Q Okay. Do you know how -- that's all 22 secondhand information, right? 23 A Correct. 24 Q Okay. And you don't remember if you spoke 25 to Ms. Howard or Mr. Leggett first?</p>
<p style="text-align: right;">Page 14</p> <p>1 property -- well, I think I've already asked you this. 2 A Yes, sir. 3 Q Do you recall how long it was before you 4 actually made contact with a person on that property? 5 A As best I can remember, it was minutes. 6 Q Okay. So do you know how long those dogs 7 had been tied to the tree before you arrived? 8 A I do not. 9 Q Okay. All right. And how many dogs -- when 10 you went to the -- were those two dogs, were they in 11 separate places or the same spot? 12 A Well, the dog in question, I didn't know how 13 many dogs were at the property. We only saw one dog 14 that was tied to the tree, so... 15 Q Okay. 16 A Which is what the initial complaint was, was 17 for the dog that was tied to the tree. 18 Q Okay. Let me ask you this. The claim that 19 a dog is tied up, that in and of itself is not a 20 crime, correct? 21 A Correct. 22 Q Okay. Where was the other dog when you 23 arrived? 24 A When I arrived, I did not see another dog. 25 Q Okay. Now, the time that you arrived on the</p>	<p style="text-align: right;">Page 16</p> <p>1 A I don't remember. No, sir, I don't remember 2 who I spoke to first. 3 Q Tell me what you remember after you see the 4 dog. 5 A I remember exiting the patrol car, looking. 6 There was one food bowl or water bowl. Neither were 7 present there. There was no food or water in the one 8 bowl they had. I remember Mr. Leggett, Darious, 9 coming outside where we were with the dog tied to the 10 tree. And I can't remember who was with him. It 11 was -- he was irate coming outside to us. 12 Q Right. Now -- and at this point in time, 13 were you aware yet that there was a second dog? 14 A No, sir. 15 Q Were you ever aware of there being a second 16 dog on the property? 17 A I was, yes, sir. 18 Q When did you become aware of a second dog? 19 A When we went onto the porch, there was a 20 second dog on the porch. 21 Q Okay. And was he in one of those wire 22 cages? 23 A I believe so, yes, sir. 24 Q And who asked Darious to actually take the 25 dog -- unhook the dog from the tree?</p>

<p style="text-align: right;">Page 17</p> <p>1 A I don't recall either myself nor Blake 2 asking Darious to take the dog off the leash. 3 Q Okay. Now, had you ever known Darious 4 before September 27th? 5 A I did not know Darious personally. I did 6 not know Darious even lived there before that 7 incident, no, sir. 8 Q Okay. Did you know Ms. Selena Howard before 9 this day? 10 A Yes, sir, I did. 11 Q How did you know Selena? 12 A She worked at the Subway at the corner fuel 13 station where I frequented a lot. 14 Q Okay. And now, did you know Ms. Leggett, 15 Darious' mom -- 16 A Prior to -- 17 Q -- prior to -- 18 A Yes, sir, I did. We had a prior incident 19 with Ms. Leggett. 20 Q All right. As I understand it, that was 21 something to do with a warrant because of some unpaid 22 fines? 23 A Correct. Yes, sir. 24 Q Okay. And when she was arrested a month or 25 more before this incident, was it solely based upon</p>	<p style="text-align: right;">Page 19</p> <p>1 Q Okay. And were you told not to? 2 A Yes, sir. He asked me not to come inside 3 the house. 4 Q All right. And how long was Darious inside; 5 do you remember? 6 A Thirty, 45 seconds. 7 Q Okay. And when Darious brought the -- 8 apparently, as I understand it, empty food bucket 9 outside, what happened then? 10 A I asked him to turn around and put his hands 11 behind his back. 12 Q Okay. And at that point in time, what crime 13 were you arresting Mr. Leggett for? 14 A The animal neglect. 15 Q All right. And had you been trained on what 16 constitutes animal neglect? 17 A Yes, sir. 18 Q Okay. What evidence did you have that 19 Mr. Leggett had been intentionally withholding food 20 from his animals? 21 A I had no evidence that he had been 22 intentionally withholding food from his animals. 23 Q Okay. And what evidence -- well, what 24 evidence, then, were you relying on in deciding to 25 arrest Mr. Leggett?</p>
<p style="text-align: right;">Page 18</p> <p>1 those unpaid fines? 2 A I had stopped her vehicle on a traffic -- 3 well, not her vehicle. I had stopped a vehicle that 4 Ms. Leggett was a passenger in, and I ran both the 5 driver and Ms. Leggett. Ms. Leggett had warrants. 6 Q Okay. All right. And after -- on this 7 particular date, do you recall when you made contact 8 with Ms. Leggett? 9 A I don't, no, sir. 10 Q Okay. After you and Darious and Blake were 11 out of the tree with the dog, Darious did unhook the 12 dog, right? 13 A Yes, sir, he did. 14 Q Okay. What happened after that? 15 A The only thing I can remember is I asked 16 Darious -- because there was only one bowl by the 17 tree. I asked Darious if he had food for the dog. He 18 explained that sometimes they eat table scraps, but he 19 did have food inside. I asked him -- I followed him 20 to the house. He was going to show me the food. We 21 got to the door. He brought out an empty container. 22 There was no food in the container. 23 Q Okay. Now, did you ever try to enter the 24 house? 25 A Yes, sir, I did.</p>	<p style="text-align: right;">Page 20</p> <p>1 A The condition of the dog, the no shelter, no 2 water, and there was no vaccine ever -- rabies vaccine 3 ever provided to us. 4 Q Well, now, just on the day in question, at 5 the time that you were there, how long had you 6 witnessed the animal tied around the tree? 7 A Just that time period I was there. 8 Q So at that point in time in which you say 9 you placed Mr. Leggett under arrest, would it be more 10 than ten minutes? 11 A Yes, sir. 12 Q Okay. More than 20 minutes? 13 A Twenty minutes is probably the max. 14 Q Okay. And do you know how long the dog's 15 water bowl had been empty? 16 A I do not. 17 Q Okay. And you don't know how long the dog, 18 other than the 20 minutes you were there, how long the 19 dog had been tied to a tree? 20 A I do not. 21 Q Okay. What evidence did you have at that 22 time to show that Mr. Leggett was intentionally 23 neglecting this dog? 24 A I had none. 25 Q Okay. Well, are you aware that the statute</p>

<p style="text-align: right;">Page 21</p> <p>1 that he was charged with requires malicious intent?</p> <p>2 A He was never charged with it, so...</p> <p>3 Q You are saying he was never -- well, let me</p> <p>4 ask you, you said he was under arrest, though. What</p> <p>5 evidence did you have of malicious intent on the part</p> <p>6 of Mr. Leggett at the time you placed him under</p> <p>7 arrest?</p> <p>8 A I don't suppose I had any.</p> <p>9 Q Okay. Now, I know you said that there was a</p> <p>10 class at the academy where they talk about animal</p> <p>11 welfare. Had you ever been trained on any sort of</p> <p>12 animal welfare while you worked with Forrest County?</p> <p>13 A No, sir.</p> <p>14 Q Okay. Now, let me ask you these questions,</p> <p>15 and I know this is just based upon your training. If</p> <p>16 you don't know, that's fine.</p> <p>17 A Yes, sir.</p> <p>18 Q Based upon your training and experience, is</p> <p>19 it lawful for a person to protest an unlawful arrest?</p> <p>20 A I'm not sure.</p> <p>21 Q Okay. Now, what about -- did you, during</p> <p>22 your interactions on that day, did you ever fire your</p> <p>23 taser?</p> <p>24 A I had my -- I fired -- I did not ever --</p> <p>25 it's kind of -- the way the taser that we were issued</p>	<p style="text-align: right;">Page 23</p> <p>1 memory or not?</p> <p>2 A I did not know at the time.</p> <p>3 Q Okay. All right. And the reason I asked is</p> <p>4 your taser has a discharge at 9:28 a.m., according to</p> <p>5 the records, which would have been long after these</p> <p>6 events, and I just didn't know if your time may be</p> <p>7 wrong or if you know.</p> <p>8 A I know now. I did not know at the time that</p> <p>9 my taser -- the time was off on my taser.</p> <p>10 Q Okay. So have you reviewed those records</p> <p>11 and seen that?</p> <p>12 A Yes, sir.</p> <p>13 Q Okay. Okay. So we now know that the time</p> <p>14 is wrong. It's an hour off in the taser discharge</p> <p>15 records?</p> <p>16 A From what I understand, yes, sir.</p> <p>17 Q Okay. Good. That makes my life a little</p> <p>18 bit easier. All right.</p> <p>19 Now, did you place any of the plaintiffs</p> <p>20 into your patrol car to be transported?</p> <p>21 A No, sir.</p> <p>22 Q Okay. Now, did you go to the hospital with</p> <p>23 or follow the ambulance to the hospital with Darious?</p> <p>24 A Yes, sir, I did.</p> <p>25 Q Okay. And Blake is the one who discharged</p>
<p style="text-align: right;">Page 22</p> <p>1 works is, I consider firing the taser -- it has a</p> <p>2 cartridge on the end of it with wires and prongs.</p> <p>3 That's what I consider firing my taser. And no, I did</p> <p>4 not fire my taser as I understand firing the taser.</p> <p>5 Q Okay. Let me rephrase it just a little bit.</p> <p>6 I know there is a difference when you've got the</p> <p>7 prongs versus just contact with someone, for example.</p> <p>8 A Correct.</p> <p>9 Q Did you ever engage the taser as in, I</p> <p>10 guess, cause it to discharge electricity?</p> <p>11 A Yes, I did.</p> <p>12 Q Okay. When was that?</p> <p>13 A I used my taser when Blake was trying to</p> <p>14 arrest Ms. Antrinet. The dog -- I don't know which</p> <p>15 dog it was, but one of the dogs was biting at Blake or</p> <p>16 barking at Blake. And typically, when a dog is trying</p> <p>17 to attack someone, I use my taser to I guess you could</p> <p>18 call -- to get the dog to stop. Usually the sound is</p> <p>19 enough to get the dog to stop has been my experience.</p> <p>20 Q Okay. So basically, you just made your</p> <p>21 taser make the popping sound?</p> <p>22 A Correct.</p> <p>23 Q Okay. Now, do you know -- and I guess this</p> <p>24 is one thing that might be a little confusing. Do you</p> <p>25 know if the taser you had had the correct time in the</p>	<p style="text-align: right;">Page 24</p> <p>1 the taser with Darious, correct?</p> <p>2 A Correct.</p> <p>3 Q All right. Now, at that -- when Blake</p> <p>4 discharged his taser, were you watching at all or were</p> <p>5 you dealing with Ms. Antrinet?</p> <p>6 A I was trying to -- I was with Darious. I</p> <p>7 was not dealing with Antrinet.</p> <p>8 Q Okay. So what do you recall is happening</p> <p>9 when Blake discharged his taser?</p> <p>10 A I remember us falling off the porch. I</p> <p>11 simply remember me and Darious falling off the porch</p> <p>12 while I was trying to arrest him. I was still</p> <p>13 struggling to get his hands behind his back after I</p> <p>14 told him to put his hands behind his back. And then I</p> <p>15 remember Blake tasing him.</p> <p>16 Q How far away was Blake; do you remember?</p> <p>17 A I'm not sure exactly how far Blake was.</p> <p>18 Q And once Blake discharged his taser, what</p> <p>19 did you do?</p> <p>20 A Put the handcuffs on Darious.</p> <p>21 Q Okay. What, if anything, did you do with</p> <p>22 Ms. Antrinet after Darious was tased?</p> <p>23 A I don't recall specifically. I remember a</p> <p>24 struggle between Blake and Antrinet at some point. I</p> <p>25 can't remember which point it was. And that's when</p>

<p style="text-align: right;">Page 25</p> <p>1 the dog was barking or biting at Blake, and that's</p> <p>2 when I made the arking sound with my taser at the</p> <p>3 dogs. That's the only time I actually remember any</p> <p>4 interaction with Ms. Antrinet.</p> <p>5 Q Okay. Now, how long, if you can recall,</p> <p>6 transpired between the time that the food bucket gets</p> <p>7 brought out to the time that Darious gets tased?</p> <p>8 A Maybe five minutes. Maybe. It was minutes.</p> <p>9 Q At any time had -- and I may have asked you</p> <p>10 this, and forgive me if I did, but you didn't know</p> <p>11 Darious before this day, right?</p> <p>12 A No, sir.</p> <p>13 Q Okay. All right. And had Darious made any</p> <p>14 threats towards you prior to being tased?</p> <p>15 A Not any verbal threats.</p> <p>16 Q Okay.</p> <p>17 A No, sir.</p> <p>18 Q Did he -- he didn't threaten you -- did he</p> <p>19 threaten you in any way?</p> <p>20 A I don't recall if he did or not.</p> <p>21 Q Okay. And you say you were the one trying</p> <p>22 to put cuffs on Darious when Blake tased him, right?</p> <p>23 A Correct.</p> <p>24 Q Okay. All right. Let's see. Now, who</p> <p>25 actually put cuffs on Ms. Antrinet?</p>	<p style="text-align: right;">Page 27</p> <p>1 anyway.</p> <p>2 THE WITNESS: Thank you.</p> <p>3 (Off the record.)</p> <p>4 MR. WAIDE: All right. I have just a</p> <p>5 couple of more questions and I'll be done. Are we</p> <p>6 ready to go back?</p> <p>7 THE WITNESS: I'm ready.</p> <p>8 MR. WAIDE: (Continuing.)</p> <p>9 Q All right. Now, Mr. Sumrall, do you have</p> <p>10 any idea what happened to Ms. Antrinet's phone during</p> <p>11 this incident?</p> <p>12 A I don't recall, no, sir.</p> <p>13 Q Okay. And then I just went back during the</p> <p>14 break just to look. The AAA records indicate that</p> <p>15 Mr. Leggett was put on the stretcher to be taken to</p> <p>16 the ambulance. Would you dispute that?</p> <p>17 A I wouldn't dispute it, but I don't know for</p> <p>18 sure.</p> <p>19 Q Okay. That's fine.</p> <p>20 MR. WAIDE: That's all I have.</p> <p>21 THE WITNESS: Okay.</p> <p>22 MS. HOLMES: I've got a few follow-up</p> <p>23 questions. This is Mary Lee.</p> <p>24 (Off the record.)</p> <p>25 E X A M I N A T I O N</p>
<p style="text-align: right;">Page 26</p> <p>1 A I want to say it was Blake. I -- I did not</p> <p>2 put handcuffs on Ms. Antrinet.</p> <p>3 Q Okay. How many pairs of cuffs do you carry?</p> <p>4 A I carry -- I always carry two sets of</p> <p>5 handcuffs.</p> <p>6 Q Okay. Now, when you got to the Forrest</p> <p>7 General Hospital with Mr. Leggett, do you recall</p> <p>8 anything in particular about his injuries?</p> <p>9 A Not anything in particular other than that</p> <p>10 he was tased.</p> <p>11 Q Okay. Now, when he was tased on the ground,</p> <p>12 do you recall whether or not those prongs were kind of</p> <p>13 stuck with his t-shirt to where he couldn't even stand</p> <p>14 up without the prongs pulling at his genitals?</p> <p>15 A I did not. I did not observe that, no, sir.</p> <p>16 Q Was Mr. -- do you recall whether or not</p> <p>17 Mr. Leggett was able to walk after being tased?</p> <p>18 A I believe he was walking. I believe he</p> <p>19 walked to the ambulance, if I remember.</p> <p>20 Q Do you recall whether or not the ambulance</p> <p>21 got the stretcher out?</p> <p>22 A I don't recall, no, sir.</p> <p>23 MR. WAIDE: Okay. If you'll give me</p> <p>24 just a second and let me just talk with my clients</p> <p>25 real quick. And Chey, you're probably done with me</p>	<p style="text-align: right;">Page 28</p> <p>1 EXAMINATION BY MS. HOLMES:</p> <p>2 Q So I'm going to ask that -- Chey, prior to</p> <p>3 the taser being deployed, can you describe the</p> <p>4 demeanor of Darious?</p> <p>5 A The entire time we were at the property,</p> <p>6 from us initially -- well, the entire time from when I</p> <p>7 initially made contact with Darious, he was cussing</p> <p>8 the entire time. The best way I can describe it is</p> <p>9 aggressive the whole time we were there. I used -- I</p> <p>10 tried to deescalate the situation as best I knew how,</p> <p>11 and he was very upset, so -- and he was -- even prior</p> <p>12 to this incident, on the traffic stop with his mother,</p> <p>13 who I did not know the relation between the two, he</p> <p>14 was hostile on the traffic stop. So...</p> <p>15 Q Did he -- prior to the taser being deployed,</p> <p>16 did he act physically violent?</p> <p>17 A Yes, he did. Yes.</p> <p>18 Q Did he get in your face?</p> <p>19 A He did get in my face on the porch, yes.</p> <p>20 Q And he refused to comply with any of your</p> <p>21 verbal commands?</p> <p>22 A Yes.</p> <p>23 MS. HOLMES: Unless you've got some</p> <p>24 questions, Christina, that's all I wanted to follow up</p> <p>25 on.</p>

<p style="text-align: right;">Page 29</p> <p>1 MS. SMITH: I do have a few questions.</p> <p>2 Hold on.</p> <p>3 (Off the record.)</p> <p>4 EXAMINATION</p> <p>5 EXAMINATION BY MS. SMITH:</p> <p>6 Q I just have a few quick questions. You were</p> <p>7 conducting a welfare check on the property?</p> <p>8 A Correct.</p> <p>9 Q A welfare check on the animals?</p> <p>10 A On the animals, yes, ma'am, or the animal.</p> <p>11 Q Do you know if the county has a right-of-way</p> <p>12 back there?</p> <p>13 A It was rumored that the county had a</p> <p>14 right-of-way, but I don't know that for a fact.</p> <p>15 Q Did the county maintain some of the</p> <p>16 property?</p> <p>17 A The county -- from my understanding, the</p> <p>18 county maintained a cemetery behind their house. I've</p> <p>19 never been to the cemetery. I had no knowledge of it</p> <p>20 even existing until I was made aware of that.</p> <p>21 Q Okay. Did you observe the dog on the</p> <p>22 property?</p> <p>23 A Yes.</p> <p>24 Q What did it look --</p> <p>25 A Well, I say on the property. Their driveway</p>	<p style="text-align: right;">Page 31</p> <p>1 Q Okay. And they had no water out for the</p> <p>2 dog?</p> <p>3 A None that I saw. They had a bowl there, but</p> <p>4 nothing was in it.</p> <p>5 Q And they didn't have any food on the</p> <p>6 property?</p> <p>7 A He said they had food in the container.</p> <p>8 When he brought the container out, there was no food</p> <p>9 in it.</p> <p>10 Q So there was no food that you observed that</p> <p>11 was on the property?</p> <p>12 A Correct.</p> <p>13 Q Okay. So did you suspect that the dog had</p> <p>14 been neglected?</p> <p>15 A Yes.</p> <p>16 Q Based on your observations?</p> <p>17 A Correct.</p> <p>18 Q Based on your training as a law enforcement</p> <p>19 officer?</p> <p>20 A Correct.</p> <p>21 Q Okay. And when you were on the porch, after</p> <p>22 you asked Darius about getting the food, what</p> <p>23 occurred?</p> <p>24 A On the porch, when you come outside -- and I</p> <p>25 tried to go in with him, and he said that I couldn't</p>
<p style="text-align: right;">Page 30</p> <p>1 separated their house from where the dog, if I</p> <p>2 remember correctly, the driveway separated the house</p> <p>3 from where the dog was tied to the tree. There was</p> <p>4 a driveway in between.</p> <p>5 Q I'm sorry. The dog was tied to the tree on</p> <p>6 the side of the house?</p> <p>7 A Correct.</p> <p>8 Q On the other side of the driveway?</p> <p>9 A On the other side of the driveway, correct.</p> <p>10 Q What did the dog look like? Was it thin?</p> <p>11 A It was a thin -- it was very thin. It</p> <p>12 was --</p> <p>13 Q Go ahead.</p> <p>14 A I'm sorry. Thin. I don't know if it was</p> <p>15 malnourished, but it was very thin, yes.</p> <p>16 Q Well, did it look malnourished?</p> <p>17 A In my opinion, it did. It was hot that day.</p> <p>18 It was -- to my standards, it was thin, yes.</p> <p>19 Q How hot was it? Do you know the weather, or</p> <p>20 do you remember?</p> <p>21 A I don't know the exact weather that day.</p> <p>22 Q Was it in -- okay. But it was hot?</p> <p>23 A It was hot. Yes, ma'am.</p> <p>24 Q Could you see the dog's ribs?</p> <p>25 A Yes, ma'am.</p>	<p style="text-align: right;">Page 32</p> <p>1 go in, so I obliged, I guess.</p> <p>2 Q Okay. Really quick.</p> <p>3 A I'm sorry.</p> <p>4 Q You tried to arrest him, correct?</p> <p>5 A Correct.</p> <p>6 Q And did he resist arrest?</p> <p>7 A Yes, ma'am.</p> <p>8 Q How did he resist?</p> <p>9 A He would not give me his hands. Every time</p> <p>10 I tried to get one of his hands, he pulled away. He</p> <p>11 actually tried to get away from me, as in run, I</p> <p>12 guess. Run is not the right word, but he resisted.</p> <p>13 Q Did he jump off the porch?</p> <p>14 A I can't remember if he jumped off the porch</p> <p>15 or if he fell off the porch. I know there was an</p> <p>16 incident where we both were off the porch at one time.</p> <p>17 Q Okay. And did he ever start acting</p> <p>18 aggressive towards you?</p> <p>19 A Yes.</p> <p>20 Q Was he physical; did he get physical with</p> <p>21 you?</p> <p>22 A He never made contact, as physical contact,</p> <p>23 but, yes, he had an aggressive stance.</p> <p>24 Q Was he in your face?</p> <p>25 A Yes, ma'am.</p>

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1 Q Was he holding up his hands?

2 A I don't recall.

3 Q Okay. And you never deployed your taser,

4 correct?

5 A I deployed my taser at the dog that was

6 biting Blake.

7 Q Okay. You snapped it?

8 A Correct.

9 Q And it just made a sound?

10 A It makes a very loud sound, yeah. That

11 usually deters a dog most of the time. Not all of the

12 time.

13 Q Do you know how many times you did that?

14 A I don't know how many times I did that.

15 Q But you never deployed your prongs?

16 A No, ma'am. Never.

17 Q Did you even have the prongs in your taser?

18 A My taser, when you pull the taser out of the

19 holster, it's got a cartridge on the end. You have to

20 take that cartridge off in order to park it without

21 the prongs being --

22 Q Did you take the cartridge off?

23 A Yes, ma'am.

24 Q So you never had the prongs even in your

25 taser gun?

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1 A Correct.

2 Q Okay.

3 MS. SMITH: I think that's all of the

4 questions I have for you, Chey.

5 THE WITNESS: Okay.

6 MR. WAIDE: Chey, I've got a couple of

7 follow-up questions.

8 THE WITNESS: Sure.

9 E X A M I N A T I O N

10 EXAMINATION BY MR. WAIDE:

11 Q So your testimony is that at 8 a.m. on

12 September 27th, 2017, it was already hot?

13 A It was a warm day. Yes, sir.

14 Q Okay. Would you dispute if the weather

15 records indicate it wasn't more than 75 degrees at

16 8 a.m.?

17 A No, sir. I wouldn't dispute that, but

18 that's warm.

19 Q Okay.

20 MR. WAIDE: That's all I have.

21 THE WITNESS: Thank you, Mr. Waide. I

22 appreciate it.

23 (WHEREUPON, THE DEPOSITION WAS

24 CONCLUDED AT APPROXIMATELY 2:40 p.m.)

25

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1

2 CERTIFICATE OF REPORTER

3

4 I, AMANDA WOOTTON, Court Reporter and Notary

5 Public for the State of Mississippi, do hereby certify

6 that the above and foregoing pages contain a full,

7 true and correct transcript of the proceedings had in

8 the aforementioned case at the time and place indicated,

9 which proceedings were recorded by me to the best of

10 my skill and ability.

11 I also certify that I placed the witness under

12 oath to tell the truth and that all answers were given

13 under that oath.

14 I certify that I have no interest, monetary or

15 otherwise, in the outcome of this case.

16 This the 28th day of April 2020.

17

18

19

20

21

22 AMANDA M. WOOTTON

23 My Commission Expires:

24 December 15, 2022

25

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1 CERTIFICATE OF DEPONENT

2

3

4 I, _____, do hereby

5 certify that the foregoing testimony is true and

6 accurate to the best of my knowledge and belief, as

7 originally transcribed, or with the changes as noted

8 on the attached Correction Sheet.

9

10

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12

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16

17

18 Subscribed and sworn to before me

19 this the _____ day of _____, 2020.

20

21 _____

22 Notary Public

23

24 My Commission Expires:

25

1 CORRECTION SHEET

2

3 I, _____, do hereby

4 certify that the following corrections and additions

5 are true and accurate to the best of my knowledge and

6 belief.

7	CORRECTION	PAGE	LINE	REASON
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	CORRECTION	PAGE	LINE	REASON
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19 Subscribed and sworn to before me
20 this the _____ day of _____, 2020.

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23

23 Notary Public

24 My Commission Expires:

25

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